IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 22653 of 2004

Between:

N. Jaganmohan Rao, S/o. Venkateswara Rao, Fair Price Shop Dealer, R/o. Circle No. 20, Chilakaluripeta Town & Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narasaraopeta, Guntur District.
3 The Mandal Revenue Officer, Chilakaluripet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not disposing of the appeal on his file in Case No. 32/2004-57 filed against the order of the 1st respondent dated 28-8-2004, as illegal, arbitrary and unconstitutional and consequently to direct the respondents not give effect to the order of the 2nd respondent.

Counsel for the Petitioner : MR.K.SITA RAM

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The dealership of the petitioner was suspended by the 2nd respondent through proceedings signed on 28.08.2004. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. Initially, the 1st respondent granted stay on 25.10.2004. However, he vacated the same through his order, dated 11.11.2004. Petitioner challenges the same in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The dealership of the petitioner was cancelled after conducting an enquiry. The allegation against him was that he did not supply rice during the months of November and December, 2003, to the newly allotted card holders. In the explanation submitted by him, the petitioner stated that he has handed over the coupons as well as the stock register, in relation to the entire quantity of rice, to the Deputy Mandal Revenue Officer. This fact, was not even denied. On the other hand, the Deputy Mandal Revenue Officer admitted of signing the stock register and receiving the coupons. A perusal of the order of cancellation discloses that the whole action was initiated, on the basis of an item of news in a daily.

The 1st respondent was impressed about the existence of *prima facie* case in favour of the petitioner and granted stay. However, he vacated the same on 11.11.2004, only on the ground that the counsel for the petitioner herein failed to produce further documentary evidence. This Court finds that vacation of interim orders was totally unwarranted. When the record *prima facie* discloses that the whole action against the petitioner as well as eight other dealers was based on an item of news in a daily, and that the Deputy Tahsildar did not deny the factum of approving the distribution by the petitioner, the 1st respondent ought to have continued the stay, till the disposal of the appeal. Further, the respondents were required to administer the department, on the basis of their information and record, than to be swayed away by news items, which, now-a-days, unfortunately, are prompted by extraneous reasons,

political considerations and unhealthy competition within the field of Journalism. It has almost come to be recognized that the Journalism, as an activity, has undergone vast changes, and it is not at all safe for anyone, particularly those in the administration, to completely rely upon such reports.

Hence, the writ petition is allowed and the order, dated 11.11.2004, vacating the stay by the 1st respondent is set aside. It is directed that the petitioner shall be entitled to continue as fair price shop dealer, till the 1st respondent disposes the appeal. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 08th December, 2004

Note: Office to furnish copy

In three days.

(B/o.)

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To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narasaraopeta, Guntur District.
3 The Mandal Revenue Officer, Chilakaluripet, Guntur District.

4. Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad.(OUT)

5. Two C.D. copies.